

BOARD OF SUPERVISORS MEETING
MONDAY, NOVEMBER 18, 2019
5:30 PM

The Appomattox County Board of Supervisors held a scheduled meeting on Monday, November 18, 2019 at 5:30 p.m. in the Board of Supervisors meeting room located at 171 Price Lane, Appomattox, Virginia.

Appomattox County Board of Supervisors

Present:

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|------------------------|---|
| Samuel E. Carter | Courthouse District, Chairman |
| Watkins M. Abbitt, Jr. | Piney Mountain District (left meeting at 7:32 p.m.) |
| William H. Hogan | Appomattox River District |
| Chad E. Millner | Falling River District, Vice-Chairman |
| Bryan A. Moody | Wreck Island District (Arrived 5:40 pm) |

Also Present:

Susan M. Adams, County Administrator
Tom Lacheney, County Attorney
John Spencer, Information Systems Manager/Purchasing Agent
Johnnie Roark, Community Development Director
Vicky Phelps, Finance Director

WORK SESSION 5:30 - 6:30 PM

Closed Session @ 5:30 p.m.

Mr. Lacheney, County Attorney read the following resolution to authorize a Closed Meeting:

WHEREAS, the Board of Supervisors of Appomattox County desires to discuss in Closed Meeting the following matter(s):

- Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body concerning trash.
- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning opioid litigation.
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WHEREAS, pursuant to: §2.2-3711 (A)(3)(A)(7) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Appomattox County does hereby authorize discussion of the aforesated matters in Closed

Meeting.

Mr. Abbitt made a motion to enter into a Closed Meeting at 5:31 p.m. Mr. Hogan seconded Mr. Abbitt's motion. Chairman Carter called for a Roll Call Vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner aye; Mr. Moody absent:

Mr. Moody arrived at the Closed Meeting 5:40 p.m.

At 6:30 p.m., Ms. Phelps read the following Closed Session Certification:

To the best of your knowledge, were the only matters discussed in the closed meeting public business matters lawfully exempted from open meeting requirements, and that only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting. Ms. Phelps called for a Roll Call Vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Call to Order- Chairman Carter called the scheduled meeting to order at 6:30 p.m.

Pledge of Allegiance

Invocation – Chairman Carter

Setting of Agenda

Mr. Abbitt made a motion to move up the Second Amendment Sanctuary County Item and Public Comment Session for discussion after the appearances. Mr. Millner seconded Mr. Abbitt's motion. Chairman Carter called for a vote Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

APPEARANCES

Mr. James Sanderson, Davenport & Company LLC

Chairman Carter stated that the Board requested that Mr. James "Jimmy" Sanderson, Senior Vice President for Public Finance, Davenport & Company LLC appear before the Board to provide an overview on the current county finances, outlook, and discuss possibilities for future school construction funding without having to raise taxes.

Mr. Sanderson came forward and provided the Board with an overview of the County Financial Profile (copy on file) during his report he stated that at the end of year 2019, Appomattox County has \$12.8 million dollars in the unassigned fund balance. He reported that this is a very good and healthy fund balance.

Mr. Sanderson explained the importance of a healthy unassigned fund balance.

Following Mr. Sanderson's report, he addressed comments, questions and concerns from the Board.

ACTION ITEMS

Second Amendment Sanctuary County

Chairman Carter stated that members of the Board requested staff to research Campbell County's recent approval of a Resolution stating their intent to be known as a Sanctuary County for Second Amendment rights and express its opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the citizens of Appomattox County to bear arms.

STAFF RECOMMENDATION: A copy of the resolution approved by Campbell County is attached for the Board's consideration for adoption. Please note that Appomattox is inserted in the wording to replace Campbell.

Chairman Carter read the following resolution for consideration and approval:

RESOLUTION OF APPOMATTOX COUNTY BOARD OF SUPERVISORS

WHEREAS, the Second Amendment of the United States Constitution reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed," and,

WHEREAS, Article 1, Section 13, of the Constitution of Virginia provides "that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power;" and,

WHEREAS, certain legislation introduced in the 2019 session of the Virginia General Assembly, and certain legislation introduced in the current session of the United States Congress could have the effect of infringing on the rights of law abiding citizens to keep and bear arms, as guaranteed by the Second Amendment of the United States Constitution; and,

WHEREAS, the current Governor of Virginia has stated that he intends to endorse and pass into law legislation that is unconstitutional as it pertains to the rights enumerated in the US & Virginia Constitution.

WHEREAS, the Appomattox County Board of Supervisors is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Appomattox County to keep and bear Arms or could begin a slippery slope of restrictions on the Second Amendment rights of the citizens of Appomattox County, and,

WHEREAS, the Appomattox County Board of Supervisors wishes to express its deep commitment to the rights of all citizens of Appomattox County to keep and bear Arms; and,

WHEREAS, the Appomattox County Board of Supervisors wishes to express

opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the citizens of Appomattox County to bear arms; and,

WHEREAS, the Appomattox County Board of Supervisors wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitutions of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the right of the citizens to keep and bear arms, including through legal action, the power of appropriation of public funds, and the right to petition for redress of grievances, and the direction to the law enforcement and judiciary of Appomattox County to not enforce any unconstitutional law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF APPOMATTOX, VIRGINIA:

That the Board of Supervisors hereby expresses its intent to uphold the Second Amendment rights of the citizens of Appomattox County, Virginia and its intent that public funds of the County not be used to restrict Second Amendment rights or to aid in the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of Appomattox County, Virginia to bear arms; and

That the Board of Supervisors hereby declares its intent to oppose unconstitutional restrictions on the right to keep and bear arms through such legal means as may be expedient, including without limitation court action; and,

That the Board of Supervisors hereby declares Appomattox County, Virginia, as a "Second Amendment Sanctuary,"

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the Board of Supervisors of the County of Appomattox County, Virginia hereby certifies that the Resolution set forth above was adopted during an open meeting on November 18, 2019.

Mr. Millner made a motion to approve the resolution as presented; Mr. Abbitt seconded Mr. Millner's motion. Chairman Carter called for a Roll Call Vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

CITIZEN PUBLIC COMMENT PERIOD

Mr. Tom Conrad came forward and stated his address as 682 Acorn Drive, Appomattox. Mr. Conrad spoke in favor of the Board's decision to approve the resolution to uphold the Second Amendment rights of the citizens of Appomattox County.

Mr. Paul Michael Raymond came forward and stated his address as P.O. Box 397, Appomattox. Mr. Raymond thanked the Board on behalf of the Appomattox Republican Committee and

personally for supporting the second amendment rights of citizens. He also requested that the Board consider lowering the current \$50 fee to carry a concealed weapon.

Mr. Greg Smith came forward and stated his address as 8102 Redhouse Road, Appomattox. He thanked the Board for supporting the second amendment right of citizens and requested that the Board lobby and try to have the conceal fee lowered and possibly have the fee removed completely.

Mr. Robert Brown, VDOT Appomattox Residency Administrator

Mr. Robert Brown, VDOT Administrator, Appomattox Residency requested to appear before the Board to discuss bridge weight posting signs for special haul and emergency vehicles.

Mr. Brown reported that the following roads would be impacted by the posted weight limit and that signage has been ordered and will be going up in the next three possibly four months.

Route 611; Route 613; Route 615; Route 653 and Route 700.

Mr. Brown reported that there will be some adverse impacts, and VDOT wants to know what they are, so that they can mitigate the issue.

Mr. Brown stated that that weight study has not been completed on emergency vehicles as of date and this may have a greater impact on the Community. He stated that he wants to work closely with the County to get maximum weight limits of emergency vehicles.

Following Mr. Browns report, he answered questions and concerns from the Board.

Mr. Abbitt left the meeting at 7:32 p.m.

Board of Equalization - Compensation

Chairman Carter stated that at the last meeting, the Board appointed three (3) members to the Board of Equalization. The Boards' responsibility is to hear appeals from citizens who have concerns about their recent assessment, discussed the concerns with the Assessors and appealing the final decision. The Code of Virginia states: "The compensation of the members of any such boards shall be fixed by the governing body." Staff performed a survey of other counties to compare how these members are compensated. Assessments in those localities were performed 2014-2019 and the pay ranged from \$75/day to \$150/day.

STAFF RECOMMENDATION: In the most recent assessment in a rural county, the Board members were paid \$100/half day and \$150/day.

After discussion, Mr. Hogan made a motion to set the pay rate for the Board of Equalization at \$100/half day and \$150/day. Mr. Millner seconded Mr. Hogan's motion. Chairman Carter called for a Roll Call vote: Chairman Carter, aye; Mr. Abbitt, absent; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

COMMITTEE APPOINTMENTS

Committee/Board Re-Appointments/Appointments

The following committee/board members' term expires on December 31, 2019. Staff is providing the update to prepare for the re-appointments/appointments to be made at the December meeting and notifications be sent out. All of the positions can be at-large and not specific to a voting district.

1-Social Services Board - Ms. Barbara Williams was appointed to fill the unexpired term of Mr. Ronnie Spiggle, ending December 31, 2019. She is willing to serve another 4-year term if re-appointed.

2-Economic Development Authority - Mr. Garet Bosiger's and Mr. James Searcy's terms are expiring December 31, 2019. Mr. Bosiger is willing to service another 4-year term if reappointed and Mr. Searcy does not desire to serve another term. Additionally, Mr. James "Buddy" Conner communicated to staff that he will be resigning on December 31, 2019 and will need for the Board to appoint a citizen to fill his unexpired term, ending December 31, 2020.

3-Board of Building Code Appeals - Mr. Blair Smith's, Mr. Joseph Sayers', and Mr. Samuel Webber's terms are expiring December 31, 2019. Staff will be reaching out to these members to see if they are willing to serve another term.

4-Board of Zoning Appeals - Johnathon Garrett's term is expiring on December 31, 2019. Staff will be reaching out to Mr. Garrett to see if he is willing to serve another term.

Ms. Adams requested that the Board bring suggestions for the needed appointments to the December meeting for consideration.

CONSENT AGENDA

Invoices Submitted For Payment

Please review the attached invoices and approve for payment:

| | |
|-------------------------|-----------------------|
| November 7, 2019 | \$22,915.04 |
| November 15, 2019 - CSA | \$92,451.72 |
| November 18, 2019 | \$1,206,386.57 |
| TOTAL: | \$1,321,753.33 |

Staff Recommendation: Please review and consider approval of the attached invoices for payment.

Minutes

Please review the following DRAFT minutes for approval:

Monday, October 21, 2019, Scheduled Meeting

Sheriff's Department

Please supplement by consent and appropriate the following:

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|-----------|----------------------------------|-------------------|
| 3102-1002 | Overtime | \$867.10 |
| 3102-5408 | Vehicle Power Equip. Supplies | \$7,050.00 |
| | TOTAL: | \$7,917.10 |

RE: Reimbursement from High School for security performed by one deputy (\$551.47); Reimbursement from Liberty Baptist Church for security performed by one deputy at Autumn fest (\$151.50); Reimbursement from Middle School for security performed by one deputy (\$164.13); Reimbursement from VACORP for repairs to a 2012 Dodge Charger (\$7,050.00).

Staff Recommendation: No new local funds are required.

J. Robert Jamerson Memorial Library

Please supplement by consent and appropriate the following:

| | | |
|-----------|-----------------|-----------------|
| 7301-5411 | Books | \$127.25 |
| 7301-5201 | Postage | \$2.75 |
| 7301-5401 | Office Supplies | \$761.70 |
| 7301-5415 | Summer Reading | \$17.00 |
| | TOTAL: | \$908.70 |

Staff Recommendation: No new local funds are required.

Commonwealth Attorney's Office

Please supplement by consent and appropriate the following:

| | | |
|-----------|----------------------------------|-------------------|
| 2201-5504 | Travel (Convention/Education) | \$2,983.68 |
|-----------|----------------------------------|-------------------|

RE: Reimbursement from Virginia Criminal Justice Foundation for out-of-state training course.

Staff Recommendation: No new local funds are required.

Circuit Court - Law Library

Please transfer by consent from the Law Library Fund to the General Fund and supplement the following:

| | | |
|-----------|-------------|-----------------|
| 2101-5804 | Law Library | \$549.08 |
|-----------|-------------|-----------------|

RE: Purchase of law books by the Circuit Court Clerk for the Law Library.

Staff Recommendation: Transfer requested funds from the Law Library to the General Fund and supplement to 2101-5804.

Economic Development Authority - Tobacco Commission Incentive

Please supplement by consent and appropriate the following:

8105-6007 Special Projects

\$979,850.00

RE: Grant funds received from the Tobacco Commission to incentivize Central Virginia Electric Cooperative's broadband project expansion into Appomattox County.

Staff Recommendation: No new local funds are required.

Mr. Hogan made a motion to approve the Consent Agenda as presented. Mr. Millner seconded Mr. Hogan's motion. Chairman Carter called for a Roll Call Vote: Chairman Carter, aye; Mr. Abbitt, absent; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

ADMINISTRATOR'S REPORT

Ms. Adams reminded the Board of dates for the tree lighting in Courtland Festival Park, and the Experiencing Appomattox event.

Ms. Adams congratulated Ms. Phelps on being elected as the next Appomattox County Treasurer.

Ms. Adams welcomed the new county staff, Mr. Jeff Shepherd, maintenance and Mr. Cody Simpson, animal control officer.

Ms. Adams stated that she wanted to explain the FLAP grant as she has been hearing some misinformation.

REPORTS AND INFORMATIONAL ITEMS

School - October 2019 Financial Report

Chairman Carter stated that provided for the Board's review is the October 2019 month-end financial report from Dr. Bennett, Division Superintendent and Bruce McMillian, Director of Finance.

Robert E. Lee Soil & Water Conservation District Board of Directors Meeting

Chairman Carter stated that provided for the Board's review is a copy of the September 26, 2019 monthly Board of Directors meeting minutes from the Robert E. Lee Soil & Water Conservation District.

Central VA Electric Cooperative Broadband Letter

Chairman Carter stated that for the Board's review is a letter addressed to CVEC members concerning substation upgrades and broadband fiber network deployment.

Ashley Sandman, CSA Coordinator & FAPT Team

Chairman Carter stated that for the Board's review is a letter from a parent whose child is receiving services through the Children's Services Act (CSA).

Small Business Development Center, SBDC - Annual Report to Stakeholders

Chairman Carter stated that for the Board's review is the Annual Report to Stakeholders from the Small Business Development Center.

SUPERVISOR CONCERNS

Mr. Hogan thanked Ms. Sandman for the job she does with CSA.

Ms. Adams reported that the lighting in the Community Park has been donated by the Town and County and private donations.

Mr. Hogan thanked the Courtland Festival Park Committee for working on getting the decorations for the holiday season.

Chairman Carter reminded the Board of upcoming meetings.

UPCOMING MEETINGS

Monday, December 16, 2019 @ 6:30 PM

Regular Scheduled Meeting

Board of Supervisors Meeting Room

171 Price Lane, Appomattox, Virginia

ADJOURNMENT

Mr. Hogan made a motion to adjourn the scheduled meeting at 7:43 p.m.

Mr. Millner seconded Mr. Hogan's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, absent; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

The scheduled meeting adjourned at 7:43 p.m.

Samuel E. Carter, Chairman